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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,780	06/23/2006	Shinji Inoue	P30152	1404

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GREENBLUM & BERNSTEIN, P.L.C.
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RESTON, VA 20191

EXAMINER

VO. TRUONG V

ART UNIT	PAPER NUMBER
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2169

NOTIFICATION DATE	DELIVERY MODE
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12/12/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/596,780

Applicant(s)

INOUE ET AL.

Examiner

Truong V. Vo

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/11/2006, 09/29/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to application 10/596,780 filed on June 23, 2006 in which claims 1 to 26 are presented for examination.

Status of Claims

2. Claims 1 to 26 are pending, of which claims 1 and 13 are in independent form. Claim 25 is rejected under 35 U.S.C. 101. Claims 1-26 are rejected under 35 U.S.C. 102 (b).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 25, is rejected under 35 U.S.C. 101 because the claimed invention is not statutory for the following reasons:

The claim lacks the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of mater. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material per se.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are

nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare in re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsushima et. al (US 2002/0165825 A1).

7. (Currently Amended) **In considering claim 1**, Matsushima teaches a data processing apparatus (license management apparatus 1) for reading from a recording medium (SD memory card 2) a content (content) which is stored in a specified recording area of the recording medium (SD memory card 2) and playing back the read content [0048]), the recording medium (SD memory card 2) storing according to a specified format contents and management information (management information) of the contents, the data processing apparatus (license management apparatus 1) (i.e., see FIG.1, [0041] and [0048]).

Matsushima teaches a content processor that reads management information from the recording medium, and reads the content according to the management information from the recording medium to process the read content (i.e., the apparatus 1 reads management information from the memory card 2, and reads the content according to the right management information from the memory card 2 to process the read content; [0041]).

Matsushima teaches a search section that, when the content processor reads a content, searches, for the content, a specified search range, if the content to be read is managed by the management information but not present in the specified recording area (i.e., to perform a search procedure that specifies a plurality of AOBs which correspond to the same content ID; [0090]).

Matsushima teaches a link information setting section (i.e., as shown in FIG. 13 there is a link between the track and title; [0105]).

Matsushima teaches a management information storing section that stores the management information which is read from the recording medium, using an identification number specific to the recording medium, so that the management information can be managed, (i.e., the migration procedure is retrieving the audio object from the recording medium, generating right management information about the audio object, and writing the audio object and the right management information in correspondence into the storage unit. The SD memory card 2 is a recording medium into which a unique identifier (hereinafter "media ID") for identifying the individual recording medium is written, and is composed of a protected area which can be accessed only by devices in the system which are accepted as being authentic (the license management apparatus 1, and the PD 3), and a user data area which can be accessed not only by authentic devices, but also by devices that are not authentic; [0009] and [0042]).

Matsushima teaches the link information setting section sets the link information for relating the recording area of the found content to the specified recording area so as to enable access to the content with the management information (i.e., as shown in FIG. 21 the structure of a directories and files in the local storage 21. As shown in FIG. 21, a user area which can be accessed even by a general application program and a secure area which can only be accessed by the LCM 23 and to which access is prohibited by other application program are provided in the local storage area 21. There is a package directory for storing SDMI protected content in the root directory of the user area. This package directory is a directory in which SDMI protected content is stored, and the five

packaged contents shown in FIG. 20 are stored here. Each of the five packages stores a set of SDMI protected content and RMI; [0131]).

8. (Original) **In considering claim 2**, Matsushima teaches the management information includes play list information for specifying playback sequence of contents, and track information including meta information relating to the contents (i.e., AOB and a corresponding piece of playback control information are written into the user data area 6. A title key entry (hereinafter "TKE") corresponding to each AOB is written into the protected area 7...a content ID which is an identifier for identifying the SDMI protected content which corresponds to the AOB...the corresponding TKE, and the playback control information is called a "track"; [0048]).

9. (Original) **In considering claim 3**, Matsushima teaches a recording area in the recording medium (i.e., FIG. 9 shown the physical layer of the SD memory Card. The specified search range in the SD memory Card is the User Data Area).

10. (Original) **In considering claim 4**, Matsushima teaches a recording area (User Data Area) of a recording medium (SD Memory Card) which is incorporated in the data processing apparatus (license management apparatus 1) (i.e., see FIG. 1 and FIG. 9).

11. (Original) **In considering claim 5**, Matsushima teaches a recording area (User Data Area) of a device (SD Memory Card) which is connected to the data processing

apparatus (license management apparatus 1) directly or through a network; (i.e., see FIG. 1 and FIG. 9).

12. (Original) **In considering claim 6**, Matsushima teaches the recording medium (SD Memory Card 2) is a detachable recording medium (i.e., as shown in FIG. 1 SD memory card 2 is detachable).

13. (Original) **In considering claim 7**, Matsushima teaches a data storing section (User Data Area) that stores contents which conform to a specified standard format, wherein the content processor (license management apparatus 1) reads the content from the recording medium (SD memory card 2) or the data storing section (User Data Area) according to the management information (right management information) to process the read content, and when the content processor (license management apparatus 1) reads a content, the search section [0090] searches the recording medium (SD memory card 2) or the data storing section (User Data Area) for the content, if the content to be read is managed by the management information (right management information) but not present in the specified recording area (User Data Area) (i.e., see FIG. 1 and 9).

14. (Original) **In considering claim 8**, Matsushima teaches the content is stored by priority in the recording medium (i.e., as shown in FIG. 20 the content is stored by priority in the SD memory card 2).

Matsushima teaches after free area of the recording medium (SD memory card 2) becomes less than a predetermined value, the content is stored in the data storing section (User Data Area), and the management information (right management information) for managing the content stored in the recording medium (SD memory card) and the data storing section (User Data Area) is stored in the recording medium (SD memory card) (i.e., when the free area of the SD card becomes less than a predetermined value the content will stored in the user data area; see FIG. 1, FIG. 9 and [0123]).

15. (Currently Amended) **In considering claim 9**, Matsushima teaches the content processor (license management apparatus 1) reads the content with reference to the management information (right management information) stored in the management information storing section (7) (i.e., the license management apparatus 1 is composed of local storage which can store a plurality of sets of SDMI protected content and right management information (hereinafter "RMI"), and an LCM, and performs check-in and check-out; see FIG. 1, FIG. 4 and [0041]).

Matsushima teaches link information setting section sets the link information on the management information storing section (21) (i.e., FIG. 4 clearly show a link information setting section sets the link information on the management information storing section).

16. (Currently Amended) **In considering claim 10**, Matsushima teaches when the identification number (AOB SA1.KEY) specific to the recording medium (SD memory card) which is stored in the management information storing section (right management information) is different from an identification number (AOB 001.SA1) specific to a recording medium (SD memory card) to be loaded into the data processing apparatus (license management apparatus 1), the search section and link information setting section set the link information (i.e., see FIG. 1, FIG. 4 and FIG. 9).

17. (Original) **In considering claim 11**, Matsushima teaches the recording medium has a copyright protection function (i.e., the recording medium have copyright protection function; [0044]).

18. (Original) **In considering claim 12**, Matsushima teaches the management information manages content ID which is identification information uniquely assigned to each content, and the search section searches for a content to be played back using the content ID (i.e., the TKE includes the encryption key used to encrypt the AOB, a content ID which is an identifier for identifying the SDMI protected content which corresponds to the AOB; [0048]).

19. (Currently Amended) **In considering claim 13**, is essentially the same as claim 1 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

20. (Original) **In considering claim 14**, is essentially the same as claim 2 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

21. (Original) **In considering claim 15**, is essentially the same as claim 3 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

22. (Original) **In considering claim 16**, is essentially the same as claim 4 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

23. (Original) **In considering claim 17**, is essentially the same as claim 5 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

24. (Original) **In considering claim 18**, is essentially the same as claim 6 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

25. (Currently Amended) **In considering claim 19**, is essentially the same as claim 7 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

26. (Currently Amended) **In considering claim 20**, is essentially the same as claim 8 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

27. (Currently Amended) **In considering claim 21**, is essentially the same as claim 9 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

28. (Original) **In considering claim 22**, is essentially the same as claim 10 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

29. (Original) **In considering, claim 23**, is essentially the same as claim 11 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

30. (Original) **In considering claim 24**, is essentially the same as claim 12 except that it sets forth the claimed invention as a method rather than a data processing apparatus and rejected for the same reasons as applied hereinabove.

31. (Original) **In considering claim 25**, Matsui teaches a program for realizing the data processing method of claim 13 by a computer (i.e. FIG. 14B clearly shown a computer).

32. (Original) **In considering claim 26**, Matsui teaches a computer readable recording medium (100) (i.e., FIG. 14 clearly shown a computer readable recording medium).

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Takeuchi (US 2002/0067352 A1) published Jun 6, 2002 disclose a portable telephone.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truong V. Vo whose telephone number is (571) 272-1796. The examiner can normally be reached on Mon.-Thur. 7:30a.m.-5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on (571) 272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/596,780
Art Unit: 2169

Page 13

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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